

DOCKET FILE COPY ORIGINAL

ORIGINAL

ALLEN & HAROLD

A PROFESSIONAL LIMITED LIABILITY COMPANY  
INCLUDING A PROFESSIONAL CORPORATION

ROBERT G. ALLEN, P.C.  
DOUGLAS W. HAROLD, JR.  
ROBERT L. GALBREATH

W. BRUCE WEINROD\*  
OF COUNSEL

\*ADMITTED IN D.C. ONLY

10610-A CRESTWOOD DRIVE  
POST OFFICE BOX 2126  
MANASSAS, VIRGINIA 22110

(703) 361-2278  
FAX (703) 361-0594

SUITE 200  
2000 L STREET, N.W.  
WASHINGTON, D.C. 20036

5413 MAIN STREET  
STEPHENS CITY, VIRGINIA 22655

November 30, 1994

William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

RECEIVED

NOV 30 1994

Re: Crescomm Transmission Services, Inc.  
Petition For Rulemaking  
FCC File No. RM-7912  
A&H #1300

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Dear Mr. Caton:

On behalf of Crescomm Transmission Services, Inc. ("Crescomm"), there are submitted herewith an original plus four (4) copies of a Supplement To Petition for Rulemaking And Request For Expedited Action. These materials are submitted in connection with the above-referenced Petition for Rulemaking (FCC File No. RM-7912), filed by Crescomm on December 12, 1991.

Should there be any questions, please contact the undersigned.

Very truly yours,



Robert G. Allen

RGA:rlg  
Attachments

No. of Copies rec'd

List A B C D E

044

0ET

**BEFORE THE**  
**Federal Communications Commission**

**RECEIVED**

NOV 30 1994

FOC File No. RM-7912

Page 1 of 4

2. That Petition described the various experimental uses of broadband satellite technology undertaken by Crescomm prior to that date. Reference was made therein to Experimental Call Sign KI2XEE, the Part 5 authorization under which Crescomm was then providing its broadband maritime experimental service.

3. On November 9, 1994, Crescomm assigned Experimental License KI2XEE to Holmdel Telecommunications Group, Inc. ("HTG"), however, pursuant to an operating agreement approved by the Commission and entered into between Crescomm and HTG on that same date, the former retains ownership of the physical transmission facilities while HTG now leases those facilities from Crescomm. HTG functions as licensee of all facilities formerly licensed to Crescomm and has assumed full responsibility for FCC compliance matters. Crescomm continues however, to be involved in marketing and research activities associated with broadband maritime telecommunications services. Accordingly, Crescomm remains vitally interested in obtaining early action by the Commission on its Petition.

4. Three years have now elapsed since Crescomm filed its Petition. To date, the Commission has taken no action on this matter, despite a burgeoning market interest in the proposed service.<sup>1</sup> However, this delay on the part of the Commission has forced all those currently involved in providing broadband maritime services to continue provision of their services on an experimental basis only, subject to cancellation without notice by FCC action.<sup>2</sup> Such licensing policies have been the direct cause of increasing business

---

<sup>1</sup>In addition to Crescomm, several other entities currently are exploring the commercial possibilities of experimental broadband maritime service, including Comsat, PanAmSat, GTE, LDI Technologies, Inc., and Columbia Communications, Inc.

<sup>2</sup> Section 5.68 of the Rules allows the Commission to summarily terminate experimental operations at any time without notice or hearing.

uncertainty and market friction regarding the future of broadband maritime satellite service as a commercial opportunity.<sup>3</sup>

5. The public interest is not served by the maintenance of Crescomm's Petition in regulatory limbo. As long as this condition persists, communications providers, their investors, and their end-users, have no way to judge what the future holds. The continued delay in resolution of this matter has placed a permanent cloud over further investment for the pursuit of this service by both Crescomm and others. In the end, such delay may force the abandonment of continued development by those who find the cost and uncertainty associated with waiting to be prohibitive. More importantly, such open-ended delay will, without question, favor the deep-pocketed few to the exclusion of smaller entrepreneurial companies and their investors. It is such constituents of the business community who enjoy a far more limited ability to sustain themselves during any such extended wait for regulatory action. Thus, the effect of further delay may be to deprive the public of a potentially beneficial new communications service, or, at a minimum, to limit the field of competitors to the ultimate detriment of the marketplace.

6. The dampening effect on the marketplace resulting from further protracted regulatory delay may well not be confined to the new service proposed by Crescomm, but could spread in the end, to other communications services as the entrepreneurial and investor communities come to learn that the regulatory risks inherent in new technology development are disproportionate and interminable.

---

<sup>3</sup>See, e.g. Petition for Declaratory Ruling filed by Crescomm against Comsat Corporation on August 11, 1994 (FCC File No. ISP-94-007).

7. However, by swift consideration of Crescomm's Petition, the Commission will afford current and potential communications providers the necessary framework upon which to base their decisions as to how they can best serve the public. Should the Commission adopt the proposed changes in its Rules, a new avenue for a clearly viable commercial service will be established, and those providers who are currently interested but hesitant, will be able to move forward expeditiously. The marketplace waits.

WHEREFORE, Crescomm respectfully requests that the Commission EXPEDITE its consideration of the proposed amendments to Part 80 set forth in Crescomm's Petition for Rulemaking.

Respectfully submitted,

CRESCOMM TRANSMISSION SERVICES, INC.

By:

  
Robert G. Allen

  
Robert L. Galbreath

Its Attorneys

Allen & Harold, P.L.C.  
10610A Crestwood Drive  
P.O. Box 2126  
Manassas, Virginia 22110  
(703) 361-2278

November 30, 1994

**CERTIFICATE OF SERVICE**

I, Valerie M. Nealey, a secretary in the law firm of Allen & Harold, P.L.C., hereby certify that I have this 30th day of November, 1994, caused to be delivered via 1st Class Mail, postage prepaid, copies of the foregoing "Supplement to Petition for Rulemaking and Request for Expedited Action" to the following:

Robert S. Koppel, Esq.  
James T. Roche, Esq.  
IDB Communications Group, Inc.  
Suite 460  
15245 Shady Grove Road  
Rockville, MD 20850

Henry Goldberg, Esq.  
Joseph A. Godles, Esq.  
Goldberg, Godles, Weiner & Wright  
1229 Nineteenth Street, N.W.  
Washington, D.C. 20036  
Counsel for PanAmSat, L.P.

Sheila Mellody  
GTE Spacenet Corporation  
1700 Old Meadow Road  
McLean, VA 22102

Sambran Sandoval, President  
National Spectrum Managers Association, Inc.  
P.O. Box 8378  
Denver, CO 80201

William Roughton, Esq.  
Lawrence W. Katz, Esq.  
Bell Atlantic Telephone Companies  
1710 H Street, N.W.  
Washington, D.C. 20006

Albert Shuldiner, Esq.  
Nixon, Hargrave, Devans & Doyle  
One Thomas Circle  
Suite 800  
Washington, D.C. 20005  
Counsel for Qualcomm, Inc.

William A. Star  
Vice President  
LDI Leasing Dynamics, Inc.  
11279 Cornell Park Drive  
Cincinnati, Ohio 45242

Cheryl Lynn Schneider, Esq.  
Comsat Mobile Communications  
22300 Comsat Drive  
Clarksburg, MD 20871

Jeffrey Smith, Executive Director  
Committee for Private Offshore Rescue and Towing  
655 15th Street, N.W.  
Suite 310  
Washington, D.C. 20005

L.P. Becker  
Chief Executive Officer  
Northcom, Inc.  
30591 Schoolcraft  
Livonia, MI 48150

Eugene E. Bormann  
Vice President, Sales  
Atlantic Satellite Communications, Inc.  
240 Pegasus Avenue  
Northvale, NJ 07647

Charles Saracino  
Executive Vice President  
Waterfront Communications Corporation  
15 Columbus Circle  
New York, NY 10023

**Frank P. Morgan**  
Chief Executive Officer  
MCL, Incorporated  
501 South Woodcreek Road  
Bolingbrook, IL 60439-4999

**C. Lee Wareham**  
Vice President, Operations  
Alascom, Inc.  
210 E. Bluff Road  
P.O. Box 196607  
Anchorage, Alaska 99519-6607

**Thomas P. Lillis**  
Republic Telecom Systems  
120 Wood Avenue South  
Iselin, NJ 08830

**Stephen J. De Bello**  
Computel Communications Systems, Inc.  
170 Changebridge Road, Unit 5D  
Montville, NJ 07045

**Dimitrios Amperiadis, President**  
Interface Conversions D.I.P., Inc.  
146-19 35th Avenue  
Flushing, NY 11354

**James D. Lakin**  
Compression Labs, Inc.  
2860 Junction Avenue  
San Jose, CA 95134

**Richard Grebow**  
WXTV Channel 41  
24 Meadowland Parkway  
Secaucus, NJ 07094

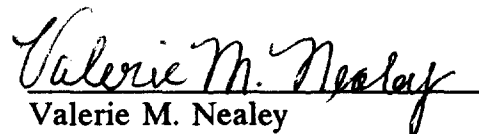
**Michael A. Cartisano**  
Strategic Television, Inc.  
1866 Calle Petaluma  
Thousand Oaks, CA 91360

Carl B. Humphreys, President  
Scientific Transportables, Inc.  
3030 Bay Front Road  
Mobile, AL 36605

James D. Benson  
Private Satellite Network, Inc.  
215 Lexington Avenue  
New York, NY 10016

Robert Goodman  
Chairman and Chief Executive Officer  
Cruisephone, Inc.  
500 Cypress Creek Road West  
Suite 260  
Ft. Lauderdale, FL 33309

Victor J. Toth, Esq.  
Law Offices of Victor J. Toth, P.C.  
2719 Soapstone Drive  
Reston, VA 22091  
Counsel for CruiseCom International

  
Valerie M. Nealey